


General Counsel

83-10310

December 16, 1983

M E M O R A N D U M

TO: Members, Working Group on Intelligence Requirements
and Criminal Code Reform

FROM:  Axel Kleiboemer

The Working Group in Intelligence Requirements and Criminal Code Reform held its 4th meeting on Wednesday, December 14, 1983. All members attended except for Mr. Hirschberg, who had litigation commitments and Mr. Silver, who prefers to live abroad rather than in the United States (Mr. Silver's alleged residence in Belgium gives me great pause from the national security standpoint. Perhaps he is on a secret mission of some sort. In any event, I am sure all members of the Working Group would enjoy hearing from him and, by means of this memorandum we wish him a happy Holiday season and a Happy New Year).

Mr. Martin reported concerning the progress of his assignment. He will prepare a position paper concerning the need for reform in "non-spy cases" for the 5th meeting of the Working Group which is now scheduled for 1:00 p.m. on January 18, 1984. I expect to receive a copy of his position paper early in January so that it can be distributed prior to the 5th meeting.

-2-

Messrs. Stern and Gettings reported that substantial progress has been made in preparing a position paper with regard to a statutory defense for intelligence operatives. I am requested to notify Mr. Hirschberg to make copies of the position paper referring to this subject matter available at the meeting on January 18, 1984, so that it can be discussed and evaluated during the February or March meeting.

Mr. Clarke presented a position paper with respect to the need for reform of the law in classical spy cases. A copy thereof is attached hereto. However, after discussions it was decided that redrafting of the position paper is necessary. Mr. Clarke will undertake to have the final draft at our next meeting so that the Working Group can take action with respect to the position paper.

Merry Christmas and Happy Hanukkah and a very happy New Year to one and all.

AK/sd
Enclosure

cc: Professor John Norton Moore
Morris I. Leibman, Esq.
Ms. Mary Lee